

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINDSEY LARSEN, Individually and as) CASE NO. _____
Mother and Next Friend of)
MADELYN LARSEN, a Minor,)
Plaintiff,) COMPLAINT
vs.) AND DESIGNATION
UNITED STATES OF AMERICA,) OF PLACE OF TRIAL
Defendant.)

Plaintiff states as follows:

1. Plaintiff, Lindsey Larsen, brings this action in her individual capacity and as the mother and next friend of Madelyn Larsen, a minor, whose date of birth is June 2, 2010.
2. Plaintiff Lindsey Larsen and her daughter, Madelyn Larsen, have their home of record in the State of Nebraska, and are citizens of the State of Nebraska.
3. Jurisdiction in this matter is based upon 28 U.S.C. §1336(b) and 28 U.S.C. §§2671, 2680, commonly known as the Federal Tort Claims Act (FTCA).
4. As required by statute, Lindsey Larsen presented her claim on behalf of herself and her daughter Madelyn Larsen on Standard Form 95 with the Defendant by mailing a copy to Ireland Army Community Hospital to the attention of the Tort Claims Department, located at 289 Ireland Avenue, Fort Knox, KY. This Tort Claim Form was received on or about April 3, 2012, and was assigned Claim Number 12-201-T071.
5. The United States of America, by and through its appropriate representative, formally denied this claim on June 13, 2013. Plaintiff, Lindsey Larsen, on behalf of herself and her

daughter, Madelyn Larsen, has filed this lawsuit within six (6) months from the mailing the appropriate letter denying such claim.

6. On June 2, 2010, Lindsey Larsen was married to Captain Harold M. Larsen, who, at the time, was a member of the United States Army with his duty station at the military base located in Fort Knox, Kentucky. On that date, Lindsey Larsen was admitted as a patient to the labor and delivery unit at Ireland Army Community Hospital at Fort Knox, KY. Lindsey Larsen was in labor from approximately 3:40 a.m. on June 2, 2010 up until 5:11 p.m. on June 2, 2010, when Madelyn Larsen was delivered.

7. That all of Lindsey Larsen's prenatal care had been provided through healthcare providers who were agents and employees of the United States of America.

8. That at all times during her pregnancy, Lindsey Larson was being evaluated, monitored, and cared for by agents and employees of Ireland Army Community Hospital, a facility owned and operated by the United States of America. The healthcare providers to include medical doctors, nurses, nurse practitioners, physicians' assistants, and anesthesiologists were agents and employees of the United States of America, and the negligence of the aforementioned individuals as set forth below is imputed to the United States of America under the doctrine of respondeat superior.

9. At approximately 5:11 p.m. on June 2, 2010, Madelyn Larson was born, and she developed intracerebral hemorrhage and interventricular hemorrhage immediately following her birth.

10. Within a short time after her birth, Madelyn Larsen began to develop seizure-like activities. Madelyn Larsen's post-birth medical condition necessitated her being emergently transferred to Kosair Children's Hospital in Louisville, KY, where she was cared for by pediatric

neurologists and other healthcare providers with a specialty in pediatric medicine.

11. The prenatal care and treatment which Lindsey Larsen received at Ireland Army Community Hospital, and the care she received at Ireland Army Community Hospital during her labor and delivery from 3:40 a.m. to and including 5:11 p.m. on June 2, 2010, was inappropriate and fell below the standard of care required of such healthcare providers in caring for and treating a labor and delivery patient such as Lindsey Larsen. The agents and employees of Ireland Army Community Hospital who were attending to Lindsey Larsen during this period of time were negligent in their care and treatment of her in each and all of the following respects:

- (a) In failing to properly monitor and examine her prenatally;
- (b) In failing to properly monitor her during labor;
- (c) In failing to perform a c-section on Lindsey Larsen when the healthcare providers knew, or in the exercise of reasonable care should have known, that her labor was not progressing and that Madelyn Larsen was in distress;
- (d) In failing to exercise reasonable care while Lindsey Larsen was in labor;
- (e) In failing to properly interpret the fetal heart monitor tracings for Lindsey Larsen during her labor, which tracings indicate that Madelyn Larsen was in respiratory failure for an extended period of time and was hypoxic.

12. As a direct and proximate result of the negligence of the agents and employees employed by Ireland Army Community Hospital and the United States of America, Madelyn Larsen suffered the following by way of injuries and damages:

- (a) A severe neurologic injury;
- (b) Intracranial hemorrhage;
- (c) Post-birth seizure-like activities;
- (d) Past and future medical expenses;
- (e) Past and future loss of income;

- (f) Permanent injury;
- (g) Permanent impairment of earning capacity.

WHEREFORE, Plaintiffs Lindsey Larsen, individually and on behalf of her daughter Madelyn Larsen, prays for judgment against the Defendant, United States of America, as follows:

- A) For special damages and general damages in the amount of \$5,000,000.00;
- B) For post-judgment interest at the maximum legal rate;
- C) For costs of suit incurred herein; and
- D) For such other and further relief as the court deems just and proper.

DESIGNATION OF PLACE OF TRIAL

Plaintiffs request that this matter be tried in Omaha, Nebraska.

LINDSEY LARSEN, Individually and as
Mother and Next Friend of
MADELYN LARSEN, a Minor,

By: 

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